



1653
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PATENT APPLICATION
File No: 97-44D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : David A. Adler, James L. Holloway, Nand Baidur, Stephanie
Beigel-Orme, Paul O. Sheppard
Serial No. : 10/091,166
Group Art Unit : 1653
Examiner : Bugaisky, G.
Filed : March 5, 2002
For : NOVEL BETA-DEFENSINS
Date Submitted : September 24, 2004

AMENDMENT FEE TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment for the above-mentioned application.
The fee required to be filed with the accompanying amendment has been calculated as shown
below:

CLAIMS AS AMENDED

	Claims Remaining After Amendment	Highest No. Covered by Previous Payments	Present Extra	Extra Rate	Fee
Total	26	30	0	\$9.00	\$000.00
Independent	7	- 6	1	\$43.00	\$ 43.00
1st Presentation of Multiple Dependent Claim				\$145.00	\$000.00
Total					\$ 43.00

Applicants claim small entity status. Please charge any required fee to
ZymoGenetics, Inc., Deposit Account No. 26-0290. A duplicate of this sheet is enclosed.

Respectfully submitted,

Brian J. Walsh
Registration No. 45,543



PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9-24-04
Date

Kim M. Goplen
Kim M. Goplen

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated July 6, 2004, please extend the period of time for response two months, from August 6, 2004 to October 6, 2004. Enclosed are a Request for Extension of Time and the requisite fee.

The Office Action sets forth a restriction requirement under 35 USC §121. Applicants were requested to elect one of three designated groups as briefly noted below:

I. Claims 1-5 and 21-43, drawn to β -defensins, pharmaceutical compositions containing them and pharmaceutical methods of treatment, classified in class 514, subclass 12.

II. Claims 6-7, drawn to antibodies, classified in class 530, subclass 387.1.

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III. Claims 8-20, drawn to polynucleotides encoding β -defensins, constructs containing the polynucleotides and a recombinant method of making a protein, classified in class 435, subclass 69.1.

A telephone conversation between the Examiner and Applicants' Agent, Brian J. Walsh, occurred on September 22, 2004, in which the pending claims of the instant application were discussed. The Examiner and Brian J. Walsh agreed that claims 1-7 and 21-43 are pending. Brian will provide a copy of the Application and Fee Transmittal Sheet (wherein claims 8-20 were cancelled) and the Filing Receipt. Thus, Applicants must elect either Group I or Group II under 35 U.S.C. §121. The Examiner agreed to provide the Interview Summary.

In response to the Requirement for Restriction Election and the above-noted Interview of September 22, 2004, Applicants elect Group I, claims 1-5 and 21-43, drawn to β -defensins, pharmaceutical compositions containing them and pharmaceutical methods of treatment. Claims 6 and 7 are withdrawn from consideration in this case; however, Applicants reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

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Early reconsideration and allowance of the pending claims (as indicated in the accompanying Preliminary Amendment) under examination are respectfully requested. If the Examiner believes that a telephone interview would expedite prosecution of the above-identified patent application, please call the undersigned at (206) 442-6540.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Brian J. Walsh".

Brian J. Walsh
Registration No. 45,543

Enclosures:

- Petition and Fee for Extension of Time (in duplicate)
- Second Preliminary Amendment
- Amendment Fee Transmittal (in duplicate)
- Application and Fee Transmittal Sheet
- Filing Receipt
- Postcard